

REMARKS

This Request for Reconsideration is filed in response to the Final Action of August 26, 2009 in which claims 1-13 and 16-23 were rejected.

Claim rejections under 35 USC § 103

Pending claim 1 claims:

“A method for reconfiguration to be performed in a wireless system utilizing a flexible layer one to transfer data over an air interface, said method comprises transmitting a transport format combination set reconfiguration message to a terminal over a certain basic physical subchannel, said transport format combination set reconfiguration message indicating one transport format combination with a certain transport format combination identifier exclusively for signalling use, the method further comprises if the transport format combination set reconfiguration message indicates a change in the size of transport format combination identifiers, checking a parameter value related to said terminal, and starting to use a new configuration indicated by the transport format combination set reconfiguration message or staying with the existing configuration as a result of the checking.”

Contrary to the Examiner’s conclusion, the *Eriksson et al* reference (D1) does not disclose the feature of *“transmitting a transport format combination set reconfiguration message to a terminal over a certain basic physical subchannel, said transport format combination set reconfiguration message indicating one transport format combination with a certain transport format combination identifier exclusively for signalling use”*.

There is no hint in D1 that a transmitted configuration message, i.e. radio block 41, including a TFCI information portion used for a checking operation concerning one MS/BTS parameter when the configuration message points out a change in the size of the TFCIs.

D1 simply describes in par. [0063] that

“...the radio block includes a TFCI portion (e.g., a layer one header) which indicates the transport format combination that has been used at the transmitter and should therefore be used at the receiver also.”

Furthermore, par. [0066] and [0070] disclose only that a TFCS descriptor includes a field specifying the size of the radio block.

So, D1 does not does not disclose the feature of *“if the transport format combination set reconfiguration message indicates a change in the size of transport format combination identifiers, checking a parameter value related to said terminal.”*

Since D1 does not teach a checking operation of the MS/BTS parameter because of a change in the size of the TFCIs, it is self-evident that there is no hint in D1 that a current configuration is changed to another or the current configuration is used also in future in consequence of the checking operation concerning one MS/BTS parameter, which is provided in the previous method step.

Thus, D1 does not also disclose the feature of *“starting to use a new configuration indicated by the transport format combination set reconfiguration message or staying with the existing configuration as a result of the checking.”*

According to the above, D1 does not disclose the method of pending claim 1.

The above-mentioned lacking features facilitates to maintain workable data transfer connections between the ends of the communication link, e.g. when it is unclear if one end of the communication link has received or interpreted correctly a transmitted reconfiguration message. Furthermore, the lacking features provides real time information relating to the quality of the communication link.

In the case of the lost or misinterpreted reconfiguration message, one end, e.g. a network side, which has transmitted the reconfiguration message, detects that the other end, e.g. a mobile station, does not switch to the new configuration (new DBPSCH), whereupon it concludes that the reconfiguration message was probably lost and stays with the existing configuration, and e.g. resends the reconfiguration message to the mobile station. Secondly, if the mobile station switches to the new configuration, the network can interpret that the reconfiguration message was received and interpreted correctly.

Even if one manages to combine the teachings of D2 (US 7,480,261 B2) with the teachings of D1, if it is possible and sensible at all in practice at the time when the invention of the pending application was made, the combination of D1 and D2 does not result in the method of pending claim 1 for the same reasons as given above. The same reasoning applies to the other independent claims as well. Their dependent claims are patentable for at least the same reasons.

Withdrawal of the obviousness rejection of claims 1-13 and 16-23 is requested.

The objections and rejections of the Office Action of August 26, 2009, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-13 and 16-23 to issue is earnestly solicited.

Respectfully submitted,

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